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By

Victor Donahue
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Farzan Rastinejad, et al.:

APPLICATION NO.: 09/863,976 : Examiner: Delacroix Muirhei, Cybille
FILING DATE: May 23, 2001 : Group Art Unit: 1614
TITLE: METHODS AND COMPOSITIONS :
FOR RESTORING
CONFORMATIONAL STABILITY
OF A PROTEIN OF THE P53
FAMILY

Mail Stop AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Request for Continued Examination under 37 CFR 1.114, and
Reply with Amendment

Preliminary Remarks

The present Reply with Amendment is presented in response to the Official Action, mailed September 20, 2005, whereinby all claims remain rejected. Applicants have filed herewith both a Request for Continued Examination, and a proper Petition for Extension of Time. Reconsideration in view of the following remarks and amendments is respectfully requested.

The status of the claims remains unclear to the Applicant, and so clarification is again requested. At the present time, Claims 26-56 are pending in the application, although Claim 56 is withdrawn from consideration. Claims 26-42, 44, 45, 47 and 54 remain rejected under 35 USC section 102(e) (Welsh et al., U.S Patent 5, 900,360), and/or section 103 (Welsh et al. in view of Das et al.) [see pages 7-11 of the Official Action of June 3, 2004]. In contrast, Claims 43, 46, 48-53 and 55 are only objected to; however Applicant respectfully believes that guidance has not been provided as to what the objections are. In the Official Action of September 20, 2005, at page 4, it was stated that claim 43 is objected to
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but is allowable if rewritten in dependent form, taking into account the intervening limitation (claim 27) that the protein is a human protein. No other discussion is presented in the Official Action as to Objections. Indeed, in the prior Action of June 3, 2004, the only Objections (see page 4) refer to ministerial defects which the Applicant corrected in the immediately prior Amendment, mailed March 17, 2005, correction of which the Examiner has acknowledged at Page 2 of the now-pending Official Action.. Clarification is therefore respectfully requested. Additionally, Applicant observes that the undersigned called the Examiner on more than one occasion to discuss this issue, but the phone calls were not returned. Additionally, no response was received to Applicant's letter mailed September 5, 2005, directed to this point, and entitled "Request for Clarification and Interview".

Applicant also notes that the Examiner appears to have withdrawn all rejections under section 112, first and second paragraphs, except as to antecedent basis for the term "measurement" in Claim 28 which Applicant corrects herewith.